

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DIANE MARIE EASTERLING,

Plaintiff,

v.

CIVIL CASE NO. 05-72887
HON. MARIANNE O. BATTANI

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Court having reviewed the Magistrate Judge's Report and Recommendation, filed on August 9, 2006, and no objections having been filed thereto,

IT IS SO ORDERED that the Report and Recommendation is **ADOPTED** and that Plaintiff's Motion for Summary Judgment is **GRANTED** in part and Defendant's Motion for Summary Judgment is **DENIED**. **IT IS FURTHER ORDERED** that this case is **REMANDED** to Defendant Commissioner for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: September 12, 2006

CERTIFICATE OF SERVICE

A Copy of this Order was mailed to the parties and/or attorneys on this date by ordinary mail
and/or electronic filing.

s/Bernadette M. Thebolt
DEPUTY CLERK